

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-42 are pending, Claims 1, 18, 32, 35 and 37-42 having been amended by way of the present amendment.

In the outstanding Office Action Claims 1, 2, 4-10, 12-19, 21-26, 28-32 and 35-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomita et al. (U.S. Patent No. 6,100,884) in view of Lawler et al (U.S. Patent No. 5,585,838); Claims 3, 11, 20, 27, 33 and 34 were rejected as being unpatentable over Tomita in view of Lawler and in further view of Yoshinobu et al. (U.S. Patent No. 5,686,954); Claims 1, 2, 5-10, 12-19, 22-26, 28-32 and 35-42 were rejected as being unpatentable over Tomita in view of “The Korea Herald” (Internet-only TV station begins service”, The Korea Herald (XBF), 10 July 1997, page 7); Claims 4 and 21 were rejected as being unpatentable over Tomita in view of The Korea Herald and in further view of Lawler; Claims 3, 11, 20, 27, 33 and 34 were rejected as being unpatentable in view of Tomita in view of The Korea Herald and in further view of Yoshinobu; Claims 1, 2, 5-10, 12-19, 22-26, 28-32 and 35-42 were rejected as being unpatentable over Tomita in view of NPR; Claims 4 and 21 were rejected as being unpatentable over Tomita in view of NPR and in further view of Lawler; Claims 3, 11, 20, 27, 33 and 34 were rejected as being unpatentable over Tomita in view of NPR and in further view of Yoshinobu.

Claim 1, as amended, is directed to a searching system for searching contents that were broadcast. The system includes, for example, a first storing means for storing information representing at least a time at which contents were broadcast corresponding to a predetermined operation. In particular, the time information is identified while the contents is being broadcast. Support is found throughout the specification (e.g. last two paragraphs of page 27), and thus no new matter is added. As has been discussed in past responses (such as

the Request for Reconsideration filed November 17, 2004, the entire contents of which is incorporated herein by reference), it is well explained that the present invention as defined by Claim 1 is able to use this information to enable the search results to be displayed along with an indicator for activation of a unit to cause downloading of the contents associated with the results of the search. An advantage with the invention is that by recording the time information identified while the contents is being broadcast allows a user to later perform a search based on that particular time for easy retrieval from an external source.

The basis of the rejection of Claim 1 over Tomita in view of Lawler is that Tomita provides a device that allows for searching of a list of programs broadcast in the past via a graphical user interface. The outstanding Office Action asserts that the “last week” search button 51 in Figure 9 enables a user to search previously broadcast programs.

However, Tomita never teaches or suggests a feature where the content of a particular broadcast material is retrievable when a user records contemporaneously the time when the broadcast is made. Moreover, amended Claim 1 is directed to a first storing means that stores information representing at least the time in which contents were broadcast corresponding to a predetermined operation. Moreover, the time information is identified while the contents is being broadcast. Therefore, the user need only observe and record the time contemporaneously with the broadcast.

In contrast, Tomita is directed to a different system wherein an entire schedule of broadcast material is presented and correlated with times so the user may later go back and identify particular contents which are scheduled at a particular time. However, Tomita neither teaches nor suggests the feature of storing information representing at least time in which the contents were broadcast corresponding to a predetermined operation, where the time information is identified while the contents is being broadcast. Thus, an advantage of the claimed invention not permitted by Tomita is that the user of such a system need not

know anything about the contents itself, but merely actuates the first storing means so that at least time information is recorded contemporaneously with the broadcast contents.

Lawler is asserted for its disclosure of an ability to order and download particular material. However, Lawler does not teach or suggest what is also absent in Tomita, namely the first storing means, that stores at least the time that is identified while the contents is being broadcast. Moreover, neither Tomita nor Lawler cooperate to teach what is offered by the presently claimed invention, namely a system that stores time information identified while the contents is being broadcast, and then subsequently uses that information to form the basis of a search to later download the contents that would be associated with the broadcast contents. Accordingly, it is respectfully submitted that neither Tomita nor Lawler teach or suggest at least the feature of the first storing means as presently claimed, and therefore no matter how these references are combined, the combination would neither teach nor suggest the invention defined by amended Claim 1.

Although Claims 2, 4-10, 12-19, 21-26, 28-32 and 35-42 are of differing statutory classes and/or scope, it is respectfully submitted that each of these claims also patentably define over Tomita in view of Lawler for substantially the same reasons as discussed above with regard to Claim 1.

Claims 3, 11, 20, 27, 33 and 34 were all rejected based on Tomita and Lawler as discussed above, and in further view of Yoshinobu. The basis of this rejection is that Yoshinobu discusses second contents being a multiple of the first contents. However, assuming *arguendo* that this is the case, even this feature of Yoshinobu does not cure the deficiencies with regard to Tomita and Lawler as discussed above with regard to the independent claims.

With regard to the rejection of Claim 1 as being unpatentable over Tomita in view of The Korea Herald, it is respectfully submitted that Tomita as discussed above is at least

deficient with regard to the first storing means. The outstanding Office Action asserts that Tomita does not explicitly disclose an indicator for activation at the terminal unit to cause downloading of the contents associated with the search results. However the outstanding Office Action asserts The Korea Herald to cure this deficiency. Assuming *arguendo* that The Korea Herald does in fact teach this feature, nevertheless, the combination of Tomita in view of The Korea Herald does not teach or suggest all of the features of Claim 1. Consequently, it is respectfully submitted that Claim 1, as well as Claims 2, 5-10, 12-19, 22-26, 28-32 and 35-42 (although of different statutory class and/or scope), patentably defines over the asserted prior art for at least the same reasons discussed above with regard to Claim 1.

It is respectfully submitted that Claims 4 and 21 also patentably define over Tomita in view of The Korea Herald and in further view of Lawler as none of these references disclose all the features of independent Claim 1, as well as the other claims from which Claims 4 and 21 respectfully depend.

Likewise, it is respectfully submitted that Claims 3, 11, 20, 27, 33 and 34 patentably define over Tomita in view of The Korea Herald and in further view of Yoshinobu.

Claim 1 stands rejected as being unpatentable over Tomita in view of NPR. However, NPR is asserted for its disclosure of searching through past broadcast programs. However, assuming *arguendo* that this is the case, even NPR does not cure the deficiencies with regard to Tomita as discussed above with regard to Claim 1. Accordingly, it is respectfully submitted that Claims 1, 2, 5-10, 12-19, 22-26, 28-32 and 35-42, as amended, patentably define over Tomita in view of NPR.

For substantially the same reasons, it is respectfully submitted that Claims 4 and 21 as well as Claims 3, 11, 20, 27, 33 and 34 also patentably define over Tomita in view of the secondary and tertiary references.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-42, as amended, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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